

PLANNING COMMISSION MINUTES

July 24, 2002

CALL TO ORDER:

Acting Chairman Dan Maks called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Acting Chairman Dan Maks, Planning Commissioners Bob Barnard Gary Bliss, Eric Johansen and Shannon Pogue. Chairman Vlad Voytilla was excused.

Development Services Manager Steven Sparks, AICP, Planning Services Director Hal Bergsma Associate Planner Sambo Kirkman, Senior Planner Alan Whitworth, Senior Transportation Planner Don Gustafson, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Acting Chairman Maks, who presented the format for the meeting.

VISITORS:

Acting Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Development Services Director Steven Sparks introduced himself and Planning Services Director Hal Bergsma to discuss a number of issues that could potentially be addressed at a potential Work Session in August of 2002.

7:03 p.m. – Planning Commissioner Barnard arrived.

Planning Services Director Hal Bergsma mentioned that he had recently attended a meeting of the Metro Policy Advisory Committee, observing that this committee consists of representatives of the various local governments throughout the region, including Mayor Drake, adding that they advise the Metro Council with regard to various policy matters. He explained that in addition to numerous other issues that had been addressed, they had discussed a proposed rule with regard to an analysis of the sub-regional need for an expansion of the Urban Growth

1 Boundary (UGB), and the potential adoption of a Regional Wildlife Habitat
2 Inventory, an analysis for alternative sites for the expansion of the UGB in order
3 to accommodate the potential growth over the next 20 years. Emphasizing that
4 the expansion of the UGB is a major decision that will affect the entire region, he
5 proposed that the Planning Commission might consider a Work Session to discuss
6 this UGB decision-making process during one of the meetings in August of 2002.

7
8 Observing that this Work Session could not address any potential development
9 applications, Mr. Sparks pointed out that it would be feasible to discuss a number
10 of text amendments that are being contemplated at this time. Noting that the
11 updated Code amendments to Chapters 40 and 50 had recently been completed,
12 he mentioned that potential updates to Chapters 20 and 60 should be considered at
13 this time, adding that staff would like to share some ideas with regard to strategies
14 on addressing these amendments. Pointing out that the City of Beaverton
15 currently utilizes 25 zoning districts, he suggested the possibility of simplifying
16 zoning districts by eliminating some of these districts and merging others. He
17 explained that Mayor Drake has indicated that he would either re-establish the
18 Code Revision Advisory Committee (CRAC) or creating a new committee.

19
20 Advising Commissioner Bliss that he is certain that he would enjoy serving on the
21 CRAC Committee, Acting Chairman Maks requested clarification of Mr. Sparks'
22 suggestion that the members of the Planning Commission attend a Work Session
23 do discuss the issues that had been mentioned, and specifically questioned
24 whether dinner would be served.

25
26 Mr. Sparks assured Acting Chairman Maks that scheduling this Workshop
27 Session is entirely up to members of the Planning Commission, adding that food
28 would be available, if it would guarantee his presence.

29
30 Acting Chairman Maks emphasized the importance of a discussion with regard to
31 the zoning issue, adding that while both the zoning and text amendments should
32 involve in-depth discussions, he prefers not to discuss Metro issues at great
33 length.

34
35 Mr. Bergsma agreed that any discussion with regard to Metro decisions could be
36 addressed briefly.

37
38 Acting Chairman Maks suggested that the proposed Work Session be scheduled
39 for August 14, 2002.

40
41 Emphasizing the importance of taking advantage of this slow time with regard to
42 meetings, Mr. Sparks pointed out that the look-ahead indicates a very busy fall
43 and winter.

44
45 Acting Chairman Maks verified that a Work Session would be scheduled for 6:30
46 p.m. on August 14, 2002.

1 **OLD BUSINESS:**

2
3 Acting Chairman Maks opened the Public Hearing and read the format for Public
4 Hearings. There were no disqualifications of the Planning Commission members.
5 No one in the audience challenged the right of any Commissioner to hear any of
6 the agenda items, to participate in the hearing or requested that the hearing be
7 postponed to a later date. He asked if there were any ex parte contact, conflict of
8 interest or disqualifications in any of the hearings on the agenda. There was no
9 response.

10
11 Mr. Sparks mentioned that the applicant has submitted a request for a continuance
12 of APP 2002-0010 – Appeal of Hearthstone Cottages Subdivision (SB 2002-
13 0003), adding that it is up to the discretion of the Planning Commission to grant
14 or deny this request.

15
16 Acting Chairman Maks suggested that the applicant take this opportunity to
17 formally request this continuance.

18
19 Mike Miller, representing *MGH Associates* on behalf of the applicant, *Dolphin*
20 *Development*, advised Acting Chairman Maks that the applicant has discussed the
21 issues of concern with the neighborhood group, adding that they are prepared to
22 proceed with this appeal at this time.

23
24 Acting Chairman Maks stated that the request for a continuance is tabled at this
25 time.

26
27 **CONTINUANCES:**

28
29 **A.APP 2002-0010 - APPEAL OF HEARTHSTONE COTTAGES**
30 **SUBDIVISION (SB2002-0003)**

31 *(Continued from July 10, 2002)*

32 The Planning Commission heard an appeal of the Planning Director's decision
33 approving the request for Hearthstone Cottages subdivision provided May 31,
34 2002. The Planning Director approved a request for a 22-lot subdivision for
35 individual ownership of townhomes, which includes driveway access to SW 135th
36 Avenue. The appellant states a concern that additional traffic and noise will
37 occur as a result of the proposed development. The appellant states access to SW
38 135th for the proposed development will create a natural “short-cut” for traffic in
39 the area by providing access to and from SW Davies Road and SW 135th Avenue
40 along the private drive, bypassing SW Scholls Ferry Road. The private drive is a
41 looped roadway shared by the proposed development and two other built
42 developments, which currently have access to SW Davies Road. The Planning
43 Director's approval of the request included a condition of approval requiring the
44 applicant to provide a traffic analysis showing the potential impact from “short-
45 cut” traffic and identify the necessary mitigation to address these impacts. Any
46 potential mitigation is to be approved by the Board of Design Review. The

1 appellant is requesting that the applicant provide the additional transportation
2 mitigation, as part of the Subdivision approval, to offset potential traffic impacts
3 from the private drive connecting to SW 135th Avenue. The appellant states that a
4 requirement for such mitigation is necessary to meet the Subdivision approval
5 criteria.

6
7 All members of the Planning Commission indicated that they had visited the
8 subject site and had no contact with any individual(s) with regard to this specific
9 application.

10
11 Associate Planner Sambo Kirkman presented the Staff Report and discussed the
12 appeal of SB 2002-0003 – Hearthstone Cottages Subdivision, observing that
13 because this appeal results in a de novo hearing, the Planning Commission would
14 also be reviewing the original application at this time, emphasizing that the
15 entirety of the proposed project is open for review and comment by both the
16 Planning Commission and the public at this time. She explained that on May 31,
17 2002, the Planning Director's Notice of Decision was mailed out for this
18 subdivision approval, adding that the Ashwood Downs Homeowner's Association
19 had submitted an appeal of this decision on June 10, 2002. Observing that the
20 appellant had referenced issues with regard to the access to SW 135th Avenue, she
21 pointed out that there had been concern with the possibility that this access could
22 create a potential shortcut between SW 135th Avenue and SW Davies Road,
23 adding that no mitigation measures had been identified. She pointed out that the
24 decision of the Planning Director includes a Condition of Approval requiring that
25 a Traffic Analysis be provided with the Design Review application in order to
26 address potential impacts from cut-through traffic. She mentioned that copies of
27 a letter from Sandy Cundiff, dated July 15, 2002, had been distributed, adding
28 that this letter expressing concern with regard to access issues had been received
29 following preparation of the Staff Report. Concluding, she recommended denial
30 of APP 2002-0010 – Appeal of Hearthstone Cottages Subdivision and approval of
31 SB 2002-0003 – Hearthstone Cottages Subdivision, and offered to respond to any
32 questions.

33
34 Commissioner Johansen requested clarification of whether this proposed
35 application would next involve the Board of Design Review if this appeal is
36 denied and the original application approved at this time.

37
38 Ms. Kirkman advised Commissioner Johansen that he is correct, and referred to
39 Condition of Approval No. 3 on page 9 of 17 of the Staff Report for the
40 Subdivision, which provides, as follows:

- 41
42 3. The applicant shall provide a traffic analysis identifying traffic impact to
43 the loop road between SW Davies Road and SW 135th Avenue, and shall
44 identify the impacts of cut through traffic on the private drive from the
45 proposed access onto SW 135th Street. If the traffic analysis determines
46 that mitigation is necessary to minimize the additional traffic resulting

1 from cut through traffic, the applicant shall submit a plan for mitigation of
2 such traffic impacts...

3 Referring to the existing wall on the west side of SW 135th Avenue,
4 Commissioner Johansen requested clarification of the ownership of this property.
5

6 Senior Transportation Planner Don Gustafson informed Commissioner Johansen
7 that this is City right-of-way, specifically part of the SW 135th Avenue right-of-
8 way.
9

10 Acting Chairman Maks questioned whether staff feels that the number of units
11 proposed meets the minimum density requirements for this specific acreage.
12

13 Ms. Kirkman advised Acting Chairman Maks that although the amount of units
14 for this property is greater than the minimum, it does not exceed the maximum
15 number of units for this property.
16

17 Acting Chairman Maks referred to page 10 of 17 of the Staff Report, noting that
18 staff disagrees with the applicant with regard to the removal of trees, adding that
19 they have recommended that any trees be removed on a lot by lot basis.
20 Observing that he does agree with staff, he pointed out that because these trees
21 are not identified as significant natural resources, the applicant is able to remove
22 these trees.
23

24 Ms. Kirkman explained that since this involves a multi-family development, the
25 removal of these trees could be addressed through the Design Review process.
26

27 Acting Chairman Maks emphasized the necessity of protecting these trees with
28 flagging, adding that no material storage is permitted beneath the trees.
29

30 Mr. Sparks addressed Commissioner Johansen's question with regard to process,
31 explaining that following the decision of the Planning Commission and prior to a
32 hearing at the Board of Design Review level, the Planning Commission's
33 decision could be appealed to the City Council.
34

35 **APPLICANT:**
36

37 **DOUGLAS MULL**, President of *Dolphin Development*, explained that his
38 company is a Beaverton-based homebuilder and active in the South
39 Beaverton/Murrayhill area. Observing that the original application had provided
40 for 40 rental units, he pointed out that following objections of the neighbors, the
41 proposal had been redesigned to provide 24 for-sale units within a subdivision,
42 adding that these units would include an age restriction of 55 and older.
43

44 Mr. Mull introduced **MIKE MILLER**, Lead Consultant representing *MGH Asso-*
45 *ciates*, who explained that each application includes three basic issues, as follows:
46 1) the code; 2) the site; and 3) the people involved; adding that in more than

1 twenty years of experience, he had learned that much more is involved beyond
2 creating a design that fits the land. He emphasized that it is necessary to tailor the
3 applications to the neighborhood as well as the market, adding that a great many
4 experts had been involved in this project, including the neighbors. He explained
5 several changes to the Staff Report, observing that in an effort to distinguish the
6 project from the neighboring development, Hearthstone, the name of the project
7 has been changed to Hearthside Cottages. He noted that 24 units are proposed,
8 rather than the 22 units mentioned in several locations within the Staff Report.

9
10 Acting Chairman Maks clarified that because the name of the project was
11 Hearthstone when the application was deemed complete it is necessary to present
12 the project as Hearthstone at this time.

13
14 Mr. Miller clarified that the 24 proposed units are at the minimum density for this
15 site, emphasizing that the applicant strives to provide for the minimum density,
16 when possible. Reiterating that the site is age-restricted, he noted that this is
17 provided within the CC&Rs, adding that the applicant has proposed a fee-simple
18 subdivision and intends to honor the existing setbacks on the parent parcel and
19 that there is some flexibility that is internal to the lots. He discussed issues with
20 regard to access and parking, as well as proposed mitigation that would address
21 the concerns of the neighbors, including the potential for cut-through traffic.
22 Concluding, he described potential options for traffic calming, emphasizing that
23 this would involve more than just this project, and offered to respond to
24 questions.

25
26 Commissioner Bliss referred to the existing access, observing that this involves a
27 private drive, rather than a public right-of-way, and requested clarification of any
28 requirements or signing regulations that would be specified for this private
29 driveway, as opposed to a public road, which requires advance notice.

30
31 **TODD MOBLEY**, representing *Lancaster Engineering* expressed his opinion
32 that although he is familiar with the appropriate code, a private street would have
33 more options than a public street with regard to sign regulations.

34
35 Commissioner Johansen requested clarification of how close to SW Scholls Ferry
36 Road this driveway could be located.

37
38 Mr. Mobley stated that he is not aware of the exact minimum distance for the
39 location of this driveway with regard to SW Scholls Ferry Road.

40
41 Observing that he believes that the minimum distance is 100 feet, Mr. Miller
42 pointed out that the proposal is in excess of this minimum.

43
44 Commissioner Johansen expressed concern with fixing a cut-through traffic
45 problem that he is not certain would exist, adding that he is reluctant to take this
46 action. He pointed out that it is not possible to determine whether this would

1 create a cut-through situation until it actually occurs, adding that it might be
2 feasible to address traffic calming at the Board of Design Review level.
3 Emphasizing that this area would be serving an older population, he pointed out
4 that these individuals prefer not to drive across speed humps.

5
6 Mr. Mobley commented that from the standpoint of a Traffic Engineer, he would
7 prefer that this not have the appearance of a through street, and determine
8 whether a problem exists after the street is in use, at which point the most
9 effective traffic calming measures would be implemented, if necessary.

10
11 **APPELLANT:**

12
13 **BILL KABEISEMAN**, representing *Preston, Gates and Ellis*, Ashwood on
14 behalf of the appellants, John White and the *Ashwood Downs Homeowner's*
15 *Association*, expressed his opinion that some progress has been made through the
16 cooperative efforts of the appellant, the applicant and the City of Beaverton.
17 Observing that it had been the appellant's understanding that the applicant had
18 requested a continuance, he pointed out that the appellant has been operating
19 under that assumption. Noting that all of the issues had been completely
20 addressed and that the appellant is waiting on an analysis, he mentioned that
21 although only the applicant has any control over the 120-day issue, the appellant
22 would like to request a continuance at this time. He explained that because the
23 applicant had not been willing to waive the 120-day issue, the appellant is
24 prepared to present their case, and requested that the record remain open in order
25 to allow for the submittal of additional evidence.

26
27 Acting Chairman Maks requested clarification of whether Mr. Kabeiseman would
28 like the Planning Commission to act on the appellant's request for a continuance
29 at this time.

30
31 Mr. Kabeiseman advised Acting Chairman Maks that the appellant would like
32 action on their request for a continuance at this time.

33
34 Assistant City Attorney Ted Naemura suggested that the Planning Commission
35 might want to consider additional evidence prior to acting on the appellant's
36 request for a continuance.

37
38 Mr. Kabeiseman agreed that the request for a continuance should be tabled until
39 all testimony has been heard.

40
41 Acting Chairman Maks announced that the appellant's request for a continuance
42 would be continued until all testimony has been received.

43
44 Emphasizing that the appellant does not object to the proposed development or
45 even to the additional traffic that would be generated by the 24 units, Mr.
46 Kabeiseman pointed out that the major concern is with the proposed "punch

1 through” to SW 135th Avenue. Observing that the traffic generated by the 24
2 units would most likely be relatively minimal, he pointed out that the “punch-
3 through” to SW 135th Avenue would be utilized by the traffic from Hearthstone
4 Cottages and Forest Glen, as well as creating an alternative for other traffic
5 traveling east along SW Scholls Ferry Road and traffic attempting to access SW
6 Davies Road. Observing that it is difficult to quantify any problems prior to their
7 existence, he expressed his opinion that it is a legitimate concern. He referred to
8 Development Code Section 40.35.15.3.C.3, which requires adequate public
9 facilities, and Development Code Section 40.35.15.4.C.1, under Section
10 60.60.10.6, which provides for a traffic mitigation plan in certain circumstances,
11 adding that staff has identified one of these circumstances as the creation of
12 twenty additional vehicular trips to a neighborhood route or local street.
13 Concluding, he urged that the Planning Commission consider either a continuance
14 or allow additional time to submit additional evidence with regard to these issues.

15
16 Commissioner Johansen pointed out that although cut-through traffic has been
17 identified as a potential problem, this particular issue should be addressed at the
18 Board of Design Review level, rather than by the Planning Commission.

19
20 Expressing his appreciation of Commissioner Johansen’s observation, Mr.
21 Kabeiseman pointed out that the Traffic Analysis might identify issues that
22 require mitigation as well as changes to the subdivision.

23
24 Commissioner Pogue requested clarification of whether any proposal has been
25 proposed to the applicant clarifying what the appellant would ultimately like to
26 occur on the site.

27
28 Mr. Kabeiseman advised Commissioner Pogue that although they have discussed
29 numerous issues with regard to this proposal with the applicant, emphasizing that
30 the appellant is basically waiting for the mitigation analysis from the Traffic
31 Engineer.

32
33 Observing that the applicant and the appellant appear to be working very closely
34 together to address the concerns of the appellant, Commissioner Pogue pointed
35 out that he is confused that the issues have not been resolved.

36
37 Mr. Kabeiseman advised Commissioner Pogue that although the appellant had
38 hoped to reach an agreement and avoid continuing the appeal process, the
39 mitigation analysis from the Traffic Engineer has not yet become available,
40 adding that the only alternative had been to go forward with the appeal with the
41 expectation of continuing to work with the applicant to resolve these issues to the
42 satisfaction of both parties.

43
44 Acting Chairman Maks discussed the age restriction, observing that although it is
45 possible to amend the CC&Rs, because the agreement of 100% of the property

1 owners is necessary, it is extremely difficult to amend the CC&Rs after a
2 development has become fully occupied.

3
4 Expressing his agreement with regard to amending CC&Rs, Mr. Kabeiseman
5 responded that the appellant is concerned with pressure to change the CC&Rs
6 when the development is not fully occupied

7
8 **JOHN WHITE**, President of the Ashwood Downs Homeowner's Association
9 pointed out that this had occurred nearby in a development in Tigard.

10
11 Acting Chairman Maks requested clarification of how Mr. Kabeiseman defines
12 proportionality within this proposed development as it relates to an escrow fund.

13
14 Mr. Kabeiseman responded that the proposal could be denied, regardless of
15 proportionality, if adequate public facilities are not available, adding that the
16 applicant has the option of agreeing to address certain issues. He pointed out that
17 the appellant has not yet had an opportunity to review any proposed mitigation
18 measures, emphasizing that they had hoped to have this information prior to this
19 hearing.

20
21 Observing that the appeal had been dated June 10, 2002, Acting Chairman Maks
22 noted that this appeal specifically states that this proposal would provide a natural
23 shortcut for traffic, adding that concern had also been expressed with regard to
24 adequate public facilities. He requested clarification of whether the appellant has
25 provided any empirical information that indicates an issue with cut- through
26 traffic exists at this site.

27
28 Mr. Kabeiseman reiterated that the applicant has not yet provided any appropriate
29 mitigation measures with regard to potential cut-through traffic.

30
31 Acting Chairman Maks reminded Mr. Kabeiseman that the appellant has
32 submitted an appeal based upon a particular issue, emphasizing that empirical
33 data demonstrating the existence of an issue with cut-through traffic should have
34 been provided in order to support the appeal.

35
36 Mr. Kabeiseman advised Acting Chairman Maks that the appellant does not have
37 the Traffic Study to support this appeal, expressing his opinion that it is not
38 necessary to provide this document to demonstrate that this proposal will create
39 this issue with cut-through traffic.

40
41 Acting Chairman Maks explained that without this documentation, it would be
42 necessary to base a decision upon hearsay, rather than a Traffic Study.

43
44 Mr. Kabeiseman agreed, adding that this decision should also be based upon
45 common sense with regard to what is occurring on SW Scholls Ferry Road as it
46 relates to what this alternative route provides and does not provide.

1 Observing that he is quite familiar with this alternative route, Acting Chairman
2 Maks stated that although he understands the appellant's concerns, certain data is
3 necessary to support any appeal to the Planning Commission.
4

5 Commissioner Barnard expressed his opinion that this appeal should have been
6 filed with the Board of Design Review, rather than the Planning Commission.
7

8 Mr. Kabeiseman responded that failure to exercise the right to an appeal
9 sometimes results in missing an important opportunity.
10

11 Acting Chairman Maks emphasized that the Planning Commission is responsible
12 to make a decision based upon professional information.
13

14 Commissioner Bliss presented a hypothetical question for staff, pointing out that
15 regardless of the outcome of the hearing, both the applicant and any opponents
16 have the option of appealing to the City Council. He noted while that many
17 individuals have showed up with regard to this proposal, a decision at this time
18 would be based upon a nonexistent Traffic Report that might be submitted,
19 expressing his opinion that a continuance should be considered at this time.
20 Observing that the appellant and the applicant might have the opportunity to
21 resolve the issues in the meantime, he explained that the Board of Design Review,
22 at which point the process would be complete, could review the proposal.
23 Emphasizing that he sees no benefit in continuing this hearing at this time, he
24 suggested that the Planning Commission be polled to make a decision with regard
25 to the request for a continuance.
26

27 Mr. Sparks clarified that in response to the implied question of Commissioner
28 Bliss, staff's motivation primarily involves meeting the 120-day clock,
29 emphasizing that because this deadline is mid-September, this element is the
30 paramount of concern at this time.
31

32 Acting Chairman Maks questioned which continuance request should be
33 addressed first, that of the applicant or that of the appellant.
34

35 Mr. Naemura advised Acting Chairman Maks that both requests for a continuance
36 basically merge to serve the same purpose.
37

38 Acting Chairman Maks emphasized that only the applicant has the authority to
39 waive the 120-day rule, noting that this is the key issue.
40

41 Mr. Naemura explained the advantages and disadvantages of these options that
42 are available.
43

44 Commissioner Barnard requested clarification of whether the applicant's request
45 for a continuance is even valid at this point.
46

1 Acting Chairman Maks informed Commissioner Barnard that the applicant had
2 tabled their request for a continuance, and requested clarification from the
3 applicant with regard to the status of their request.
4

5 Mr. Miller expressed his concern that a continuance would not necessarily be
6 productive, pointing out that this only concerns the subdivision and the design
7 review is still pending. Observing that the applicant would continue to work with
8 the neighbors to resolve their concerns, he requested denial of the request for a
9 continuance, emphasizing that this is the first time in his entire career that he had
10 requested a denial.
11

12 Mr. Kabeiseman verified that the appellant is still requesting the continuance.
13

14 Mr. Naemura pointed out that it is necessary to determine whether the applicant is
15 willing to extend the 120-day deadline.
16

17 Mr. Mull pointed out that the applicant is not willing to continue or extend the
18 120-day deadline, adding that they have been attempting to work with the
19 appellant, who has requested that they construct a road on property that does not
20 belong to them.
21

22 Observing that the applicant is unwilling to extend the deadline, Acting Chairman
23 Maks emphasized that the 120-day clock is still ticking, adding that State law
24 requires that the record be left open for a minimum of seven days in order to
25 accept any additional evidence that might be submitted.
26

27 Commissioner Barnard explained that it is important for everyone involved to be
28 aware that if this hearing is not resolved within the 120-day deadline, the
29 development would basically be approved, as originally proposed by the
30 applicant, emphasizing that without meeting this deadline, there is no opportunity
31 to force an applicant to address any desired standards or expectations. He
32 questioned whether a two-week continuance would result in the appellant
33 submitting a Traffic Study providing documented proof indicating that a traffic
34 problem would be created by cut-through traffic.
35

36 Mr. Kabeiseman advised Commissioner Barnard that the appellant expects the
37 applicant to provide this Traffic Study, adding that he would not be comfortable
38 appearing before the Planning Commission on this matter again without making
39 this empirical evidence available for their review.
40

41 Commissioner Pogue questioned whether the appellant who is not satisfied with
42 the applicant's Traffic Study would still have an opportunity for appeal at a later
43 time.
44

45 Acting Chairman Maks advised Commissioner Pogue that the appellant would
46 have the opportunity to appeal a decision made this evening or in two weeks.

1 Mr. Naemura advised Acting Chairman Maks that with September in the near
2 future, and few meetings scheduled during the month of August 2002, it is
3 important to address this as quickly as possible.

4
5 Acting Chairman Maks polled the Planning Commissioners, all of whom
6 indicated that they are not in favor of approving the appellant's request for a
7 continuance at this time.

8
9 Acting Chairman Maks observed that the appellant still has the right to request a
10 continuance later on in the proceeding.

11
12 8:28 p.m. to 8:36 p.m. – break.

13
14 **PUBLIC TESTIMONY:**

15
16 Observing that he believes he is speaking on behalf of the vast majority of those
17 present with regard to this proposal, Mr. White stated that the appellant and the
18 applicant had been working together in a cooperative attempt to mitigate traffic
19 issues. Emphasizing that the Traffic Study is of the utmost importance, he
20 pointed out that the sole problem involves the traffic increase on SW Scholls
21 Ferry Road, adding that many of these vehicles are already cutting through
22 Ashwood Downs. Expressing his opinion that the applicant has been cooperative
23 in attempting to find a solution to the problem, he pointed out that he would like
24 to ultimately end up with two gates with keypads, which would allow access to
25 only those who reside within the development.

26
27 Comparing traffic to water, Acting Chairman Maks emphasized that it travels the
28 shortest and quickest route available.

29
30 **SUSAN DONIN** introduced herself as the administrator of Forest Glen Condomi-
31 niums, referred to the Road Access Agreement that involves all three properties,
32 emphasizing that this agreement does provide for a maximum of 24 units on the
33 site and an age limit of 55 and older. She explained that any revision to this
34 agreement would require the approval of 75% of the property owners, adding that
35 the residents of the condominiums are very concerned with the anticipated and
36 dangerous cut-through traffic that would occur as a result of the proposed devel-
37 opment. She suggested the installation of an electric gate that would only allow
38 access of those who reside within the 22 units, adding that the residents of Forest
39 Glen Condominiums would continue to use SW Davies Road to access their
40 development. On question, she advised Commissioner Johansen that she had re-
41 moved a speed hump due to the objections of the residents, adding that two speed
42 humps currently exist within the fully occupied fee-ownership development.

43
44 **KATHY GRAY** expressed her agreement with Acting Chairman Maks'
45 comment that cars, like water, travel the quickest and easiest route. She discussed
46 her former request that that SW Snowshoe Road not be opened and connected to

1 SW Davies Road through SW Otter Street, adding that at that time, although the
2 residents had not been certain of the exact impact of the high school and a
3 recreation center on their property, they had known it would be significant. She
4 explained that the Planning Commission had agreed that the negative impact on
5 the neighborhood outweighed the need for connectivity and the road had not been
6 opened, although the current proposal involves a road one block south of the road
7 that had been denied. She pointed out that although a Traffic Study has not been
8 provided, anyone who has been in the area is aware that the traffic situation has
9 not improved over the past four or five years, adding that the area includes a lot of
10 development, a high school, a recreation center and a large shopping complex.
11 Observing that she is not familiar with the exact amount of time involved, she
12 pointed out that she does know that that this shortcut eliminates traveling through
13 five traffic lights on SW Scholls Ferry Road. She mentioned that as an employee
14 of Southridge High School, she travels through these streets daily at 7:30 a.m.,
15 adding that she prays that no child is hit by a car while standing there and waiting
16 for a bus. Emphasizing that a problem already exists, she stated that the last thing
17 the residents need is an increased number of vehicles traveling through the
18 neighborhood. Concluding, she expressed her opinion that any opening at this
19 location should be gated as a safety precaution.
20

21 Acting Chairman Maks requested clarification of which direction from her home
22 Ms. Gray is traveling that eliminates five traffic lights.
23

24 Ms. Gray clarified that she had not been referring to a route from her own home,
25 observing that she can connect to Southridge High School very easily from her
26 house without accessing SW Scholls Ferry Road, noting that the largest
27 concentration of traffic lights (five lights) occurs from SW Davies Road to SW
28 130th Avenue.
29

30 Acting Chairman Maks advised Ms. Gray that the factor that had driven the
31 previous decision had been the lack of a traffic light at SW Davies Road, pointing
32 out that this is no longer the case. Emphasizing that there is no comparison
33 between the two proposals, he explained the differences between resident use of
34 neighborhood routes and cut-through traffic. He pointed out that although the
35 appellant has based their appeal on the issue of cut-through traffic, she had just
36 defined what are actually neighborhood routes, adding that because they actually
37 eliminate some of the traffic on the arterials, functional neighborhood routes
38 actually reduce cut-through traffic.
39

40 **BONNIE GRISWOLD** stated that although she has no objection to the
41 development, she is concerned with the fact that a great deal of the additional
42 traffic would be aimed at the side of her home and family room. She expressed
43 her opinion that although there have been comments indicating that the appellants
44 have been working well with the developer, this is not actually true. She pointed
45 out that she had understood that there had been an agreement that the driveway
46 would be designed in a manner that would point the lights from the vehicles

1 toward the street, rather than her home. Observing that she lives in a nice home
2 in a nice neighborhood, she emphasized that as a public employee who has paid
3 taxes to both the City of Beaverton and Washington County for 13 years, she
4 deserves some consideration. She expressed her disapproval of the applicant's
5 withdrawal of their request for a continuance and their unwillingness to extend
6 the 120-day deadline, adding that it does not appear that anyone is listening to her
7 concerns.

8
9 Commissioner Pogue assured Ms. Griswold that her comments do matter.

10
11 Acting Chairman Maks pointed out that courts do not base their decisions upon
12 hearsay, noting that this is why it is necessary to provide empirical evidence. He
13 advised Ms. Griswold that the lighting is a serious issue that would be addressed
14 by the Board of Design Review, through various methods such as shrubs and
15 screening.

16
17 **LARRY HILSCHER** introduced himself as a member of the Ashwood Downs
18 Homeowner's Association Board, pointed out that the closure of SW Burrows
19 Road and the extension of SW Davies Road has not been addressed. He pointed
20 out that the result would be that those vehicles traveling north on SW Davies
21 Road would find an easy access by traveling through the light, taking a right on
22 the access road and eventually ending up on SW 135th Avenue, which would
23 avoid many extremely long lights.

24
25 Observing that she has resided in the Ashwood Downs development for 12 years,
26 **PENNY LEE** mentioned that she is concerned with the increased and cut-through
27 traffic that has occurred, expressing her opinion that this would only increase with
28 additional development. Observing that children play in these streets and that this
29 would create a safety issue, she emphasized that SW 135th Avenue is not a
30 through street.

31
32 **GREG MAHACEK** pointed out that he is aware of Ms. Lee's concerns, adding
33 that a Traffic Study is necessary. Observing that the government has spent a great
34 deal of money on studies that would only conclude with what is obvious to
35 anyone who is thinking, he mentioned that he is concerned with the safety of his
36 children, who are four years old and 14 years old. Concluding, he urged the
37 Planning Commissioners to use common sense, and questioned whether
38 Commissioner Maks would actually want a through street at this location.

39
40 Acting Chairman Maks advised Mr. Mahacek that although this question is not
41 pertinent to this application, he is a proponent of through streets. Observing that
42 one of the biggest problems in the City of Beaverton is the lack of connectivity,
43 he pointed out that Mr. Mahacek had just identified this issue, emphasizing the
44 arterials are overflowing and operating at inadequate levels of service because
45 there are not enough neighborhood routes and people are not utilizing the ones
46 that do exist.

1 Mr. Mahacek requested clarification of how the installation of a through street
2 solves a problem, pointing out that this would increase the traffic in his
3 neighborhood. Noting that he is glad that SW 135th Avenue stops at SW Angora
4 Street, he emphasized that he does not want a through street.

5
6 Acting Chairman Maks explained that the purpose of arterials are to move people
7 distances, noting that this is not for neighborhood routes and that when it is
8 necessary to drive a circuitous route to arrive at a neighborhood location, such as
9 a school, it is obvious that we have planned poorly.

10
11 Mr. Mahacek questioned whether any criterion is considered prior to taking
12 action with regard to streets and neighborhoods.

13
14 Acting Chairman Maks advised Mr. Mahacek that efforts are made to plan in
15 such a way that will support connectivity and prevent cut-through traffic.

16
17 **ERIC JOHNSON** stated that he has been a resident of this neighborhood for 12
18 years, noting that he is concerned with the existing traffic problems in this area,
19 specifically the well-documented already malfunctioning intersection of SW 135th
20 Avenue and SW Scholls Ferry Road (five lanes). Referencing Acting Chairman
21 Maks' observation that traffic is like water and flows through the easiest route, he
22 pointed out that like water, traffic also flows according to pressure that is applied.
23 As the pressure is increased, drivers have a tendency to cut through even less
24 advantageous routes in order to keep their vehicles moving. Referring to the
25 traffic in the area as a funnel, he pointed out that the nozzle to that funnel is SW
26 Conestoga Avenue and SW 130th Avenue, adding that this proposal adds another
27 hole to the sieve and increases the pressure to find other routes to reach certain
28 destinations, such as the schools or the recreation center.

29
30 Acting Chairman Maks complimented Mr. Johnson for providing good testimony.

31
32 **APPLICANT REBUTTAL:**

33
34 Mr. Miller expressed appreciation to the community for their efforts to improve
35 their community, emphasizing that opening this road up would not create traffic
36 beyond the proposed 24 units. Noting that this discussion should be limited to
37 these 24 units, he agreed that there is an existing problem that needs to be
38 addressed, adding that he believes that Southridge High School is partially
39 responsible for generating additional traffic. He pointed out that because this stub
40 road had no signs, many individuals had mistakenly believed that it would not go
41 through, adding that it is not feasible to expect that everyone involved would be
42 satisfied. Referring to Ms. Griswold's concern with regard to headlights into her
43 family room, he agreed that it would be possible to locate the driveway in such a
44 position that would prevent this from occurring. He noted that regardless of the
45 decision of the Planning Commission, the applicant intends to attempt to continue
46 to work with the neighbors, adding that it is necessary for them to realize that

1 certain parameters actually require this access. Concluding, he requested that the
2 appeal be denied, emphasizing that this is not the end of the project and it is
3 necessary to move forward.
4

5 Mr. Mobley mentioned the benefit of connectivity, as it relates to neighborhood
6 routes, noting that the applicant is somewhat limited with regard to measures that
7 can be imposed for traffic calming. He pointed out that it would be difficult to
8 provide any sort of effective mitigation with only 250 feet of frontage, which
9 would not serve the purpose of slowing vehicles very dramatically.
10

11 Commissioner Bliss referred to the suggestion of Susan Donin, who is the
12 administrator of Forest Glen Condominiums, with regard to restricting access to
13 only the 22 proposed units.
14

15 Mr. Mull clarified that the age restriction originates with the access easement,
16 adding that although enforcement of this restriction is debatable, the applicant had
17 chosen to cooperate with regard to this issue. Pointing out that the gate is very
18 impractical, he noted that with only 24 units, it would be very expensive to split
19 the cost.
20

21 Commissioner Bliss advised Mr. Mull that he is not addressing the gate at this
22 time, adding that he is concerned with the potential of creating a situation that
23 would make this route useful only those who live within the 24 proposed units.
24

25 Observing that this option had been explored, Mr. Mull noted that while there are
26 two access points to this loop, the site does not have adequate space to provide a
27 turnaround.
28

29 Commissioner Bliss pointed out that a turnaround might result in losing a unit.
30

31 Mr. Mull advised Commissioner Bliss that the garage back right up to the
32 property line, leaving no room for a turnaround.
33

34 Mr. Mobley clarified that it would be necessary to provide four turnarounds, two
35 on the Forest Glen Condominium side and two on the Hearthstone Cottages side,
36 which would basically result in a continuous loop with four dead ends.
37

38 Referring to the original development plan, Commissioner Bliss questioned
39 whether a connection to SW 135th Avenue had been proposed.
40

41 Mr. Mull advised Commissioner Bliss that he had always assumed that there
42 would be a connection through to SW 135th Avenue, emphasizing that the
43 applicant had done enough development within the City of Beaverton that they
44 had been prepared to make all possible connections.
45

1 Ms. Kirkman clarified that although the applicant had changed the name of the
2 development from Hearthstone Cottages to Hearthside Cottages, because this
3 preliminary plat is currently identified by the City of Beaverton as Hearthstone
4 Cottages, any action with regard to this development will address Hearthstone
5 Cottages.

6
7 Mr. Sparks emphasized that this discussion involves a private driveway and
8 access, rather than a public street, pointing out that the City of Beaverton has no
9 code requirements, restrictions or other regulations that would prevent the
10 installation of a gate or something similar at this location, adding that he has no
11 knowledge of whether this is addressed within the CC&Rs or whether the site
12 itself would prevent this from occurring.

13
14 Observing that he is confused, Commissioner Barnard requested clarification of
15 why the Planning Commission is being asked to address issues with regard to a
16 private driveway.

17
18 Mr. Sparks advised Commissioner Barnard that staff has never requested that this
19 driveway be installed for vehicular connectivity in a local sense, emphasizing that
20 this driveway would be solely to provide access to this property and the 24-unit
21 development.

22
23 Commissioner Barnard questioned whether this road would provide emergency
24 vehicle access or whether it has been suggested because the road on the other side
25 of the property is inadequate.

26
27 Ms. Kirkman explained that the circulation of the development itself would
28 provide better connections for the development there to a public street, adding
29 that the Traffic Engineer had identified less than 20 trips to the site.

30
31 Senior Transportation Engineer Don Gustafson pointed out that staff feels that
32 good planning indicates the importance of providing vehicular access to SW 135th
33 Avenue for this development, emphasizing that failure to provide this access
34 would add all of this residential traffic to the west of SW Davies Street. He
35 explained that staff does not intend to allow this driveway to provide access for
36 through traffic.

37
38 Ms. Kirkman noted that because this issue involves a looped road, it is necessary
39 to consider this factor when contemplating the installation of gates.

40
41 Acting Chairman Maks pointed out that although this issue has been appealed to
42 the Planning Commission, these issues would be addressed at the Board of
43 Design Review level. He questioned whether any crossover agreements with
44 regard to easements between the properties have been identified, specifically
45 whether anything would prevent the applicant from installing barbed wire and
46 turrets.

1 Ms. Kirkman advised Acting Chairman Maks that a crossover agreement that
2 allows both developments to use the other portions of the loop does exist.

3
4 On question, staff had no further comments or questions with regard to this issue.

5
6 On question, Mr. Naemura had no comments with regard to this application.

7
8 The public portion of the Public Hearing was closed.

9
10 At the request of Mr. Sparks, it was determined that no new evidence had been
11 introduced during the rebuttal.

12
13 Emphasizing that members of the Planning Commission do listen and consider
14 testimony provided by members of the public, Commissioner Johansen pointed
15 out that cut-through traffic is clearly an issue throughout the City of Beaverton,
16 he does not personally believe that any of the traffic potentially generated by this
17 proposed development or the other two existing developments (Forest Glen or
18 Hearthstone) would constitute cut-through traffic to SW 135th Avenue. Noting
19 that traffic to the high school is a local trip, he pointed out that this is just a part of
20 living within a community filled with people who like to drive a lot. He
21 expressed his opinion that this involves an issue that should be addressed by the
22 Board of Design Review, pointing out that because there is no clear indication
23 that cut-through traffic would create a problem, he would support a motion to
24 deny the appeal and approve the subdivision.

25
26 Expressing his agreement with Commissioner Johansen, Commissioner Bliss not-
27 ed that with no documented evidence with regard to cut-through traffic, he does
28 not have adequate information with which to approve this appeal, adding that he
29 would also support a motion to deny the appeal and approve the subdivision.

30
31 Pointing out that the Board of Design Review would more appropriately address
32 this issue, Commissioner Pogue stated that he would also support a motion to
33 deny the appeal and approve the subdivision.

34
35 Observing that he agrees with his fellow Commissioners, Commissioner Barnard
36 emphasized that it is necessary for the appellant to provide concrete evidence
37 documenting that a problem with cut-through traffic would exist, adding that he
38 would also support a motion to deny the appeal and approve the subdivision.

39
40 Reiterating that the members of the Planning Commission are basically citizens
41 and neighbors like any other member of the public, Acting Chairman Maks point-
42 ed out that they are also aware of the traffic issues that exist. He explained that
43 we are the problem, adding that it is necessary for every individual and each
44 neighborhood to carry their own load, emphasizing that because there is a tre-
45 mendous funnel towards Southridge High School, it is necessary to use common
46 sense. Referring to the connectivity issues, he observed that he considers this a

1 neighborhood route, rather than a cut-through route. Emphasizing the necessity
2 of supporting, rather than impacting, neighborhoods, he pointed out that no evi-
3 dence of a potential cut-through traffic problem related to this appeal has been
4 presented. Noting that he would support a motion to deny the appeal and approve
5 the subdivision, he suggested that the applicant should continue to work with the
6 neighborhood to address traffic issues through an appropriate Traffic Study. Con-
7 cluding, he pointed out that these issues, along with lighting and design issues,
8 should be addressed through the Board of Design Review process, and questioned
9 whether any of his fellow Commissioners would support a modification to
10 Condition of Approval No. 14 with regard to protection of the trees, adding that
11 this issue could not be addressed by the Board of Design Review.

12
13 Commissioner Barnard **MOVED** and Commissioner Johansen **SECONDED** a
14 motion that APP 2002-0010 – Appeal of Hearthstone Cottages Subdivision (SB
15 2002-0003) be **DENIED**, and that SB 2002-0003 – Hearthstone Cottages
16 Subdivision be **APPROVED**, based upon the testimony, reports and exhibits
17 presented during the Public Hearing on the matter and upon the background facts,
18 findings and conclusions found in the Staff Report dated July 17, 2002, modifying
19 Facilities Review Condition of Approval No. 14 on page 10 of 17 of the original
20 Staff Report for SB 2002-0003 – Hearthstone Cottages Subdivision, dated May
21 31, 2002, as follows:

- 22
23 14. Where trees are proposed to remain or are required to be preserved,
24 fencing is required. A chain link construction fence, a minimum of six
25 feet in height (or other approved type of construction fencing), **to be**
26 **marked with construction flagging**, shall be placed at the approximate
27 root zone of the tree. Trees and fencing shall be shown on the site
28 development plans. Grading and other soil compaction activity, **including**
29 **storage**, over the root zone is prohibited during site construction, except
30 where hand work is approved by the arborist.

31
32 Mr. Kabieseman, Attorney for the appellant, requested that the record be kept
33 open for a period of at least seven days.

34
35 Mr. Naemura observed that the Commission could take action to hold the record
36 open for seven days following action on the motion.

37
38 Mr. Kabieseman expressed concern with whether the decision could be
39 reconsidered if additional data is submitted.

40
41 Acting Chairman Maks advised Mr. Kabieseman that any decision made by the
42 Planning Commission at this time can not be reconsidered, observing that because
43 the by-laws prevent this action, this issue would be reconsidered through the
44 appeal process. Emphasizing that there is a 120-day deadline with regard to a
45 decision on this issue, he pointed out that even though the Planning Commission
46 does not have the authority to reconsider a decision, the seven days would provide

1 an opportunity for the appellant to present information that could provide
2 assistance in an appeal of the decision of the Planning Commission.

3
4 Motion **CARRIED**, by the following vote:

5
6 **AYES:** Barnard, Bliss, Johansen, Maks and Pogue.

7 **NAYS:** None.

8 **ABSTAIN:** None.

9 **ABSENT:** Voytilla.

10
11 10:15 p.m. -- Acting Chairman Maks presented the gavel to Vice-Chairman
12 Barnard.

13
14 Commissioner Maks **MOVED** and Commissioner Johansen **SECONDED** a
15 motion that the record be held open for a period of seven days to provide an
16 opportunity for the appellant or any interested party to submit additional written
17 evidence, argument or testimony.

18
19 Motion **CARRIED**, unanimously.

20
21 10:17 p.m. to 10:19 p.m. – break.

22
23 **NEW BUSINESS:**

24
25 **PUBLIC HEARINGS:**

26
27 **A. CPA 2002-0003 - KNOLLHURST CONDOMINIUMS AND HYLAND**
28 **HILLS TOWNHOMES LAND USE MAP AMENDMENT**

29 This is a request for Planning Commission approval of a Comprehensive Plan
30 Land Use Map amendment replacing the current Corridor designation with the
31 Neighborhood Residential Urban Standard Density (NR-SD) designation to best
32 fit with the existing zoning district of Single Family (Urban Standard Density) R-
33 7: 7,000 square feet of area per dwelling unit, consistent with the Comprehensive
34 Plan Section 1.3.1. criteria.

35
36 Commissioners Johansen, Bliss, Maks and Pogue and Vice-Chairman Barnard all
37 indicated that although they had not visited the site in connection with this
38 application, they are familiar with the area.

39
40 Mr. Bergsma introduced Senior Planner Alan Whitworth, observing that the City
41 of Beaverton is the applicant for this proposal and discussed the history of the site
42 and this application.

43
44 Commissioner Maks clarified that this application involves only a Comprehensive
45 Plan Amendment and does not establish a zone other than the existing R-7 zoning
46 designation.

1 Senior Planner Alan Whitworth explained that this application was originated
2 because a prior rezoning request had been denied by the Planning Commission.
3 That rezoning request had been initiated to comply with the Corridor Land Use
4 designation adopted as part of the new Comprehensive Plan.

5
6 On question, Mr. Bergsma informed Commissioner Maks that staff has no
7 intention of attempting to rezone this property to R-5 at some point in the future.

8
9 **PUBLIC TESTIMONY:**

10
11 On behalf of the entire neighborhood, **ELAINE OAKS** expressed support of the
12 Comprehensive Plan Amendment, emphasizing that she intends to make certain
13 that the Planning Commissioners do not change their mind.

14
15 Commissioner Pogue pointed out that he would have liked Ms. Oakes to testify
16 on the previous application to illustrate that public testimony actually does make
17 a difference.

18
19 On question, staff had no further comments with regard to this application.

20
21 On question, Mr. Naemura indicated that he had no questions with regard to this
22 application.

23
24 The public portion of the Public Hearing was closed.

25
26 Commissioners Pogue, Johansen, Bliss and Maks and Vice-Chairman Barnard all
27 expressed their support of the application.

28
29 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion
30 to approve CPA 2002-0003 – Knollhurst Condominiums and Hyland Hills Town-
31 house Estates, based upon the testimony, reports and exhibits, and new evidence
32 presented during the Public Hearing on the matter, and upon the background facts,
33 findings and conclusions found in the Staff Report dated June 20, 2002.

34
35 Motion **CARRIED**, by the following vote:

36
37 **AYES:** Barnard, Bliss, Johansen, Pogue and Maks.

38 **NAYS:** None.

39 **ABSTAIN:** None.

40 **ABSENT:** Voytilla.

41
42 **B. CPA 2001-0013/RZ 2001-0014 - SW HOCKEN AVENUE/SW JENKINS**
43 **ROAD LAND USE MAP AMENDMENTS AND REZONE**

44 This proposal is to amend the Land Use Map in the Comprehensive Plan and
45 Zoning Map to designate four parcels that have been annexed into the City, by a
46 separate process, Corridor on the Land Use Map and Community Services (CS)

1 on the Zoning Map in place of the current Washington County designations of
2 Industrial on the County's Cedar Hills – Cedar Mill Community Plan, with an
3 Interim Light Rail Station Area Overlay District. These parcels are contiguous.
4 Their tax lots identification is Map 1S109AC, Lots 15201 and 15300 and Map
5 1S109DB, 00200 and 00300.
6

7 Chairman Barnard disclosed that he has worked with the *C. E. John Company*,
8 who is a construction company for his employer, *Safeway Stores*, in the past.
9

10 Commissioner Maks commented that he is familiar with the site.
11

12 Commissioners Bliss, Johansen and Pogue and Chairman Barnard all indicated
13 that they had visited the site and had no contact with any individual(s) with regard
14 to this application.
15

16 Mr. Whitworth presented the Staff Report and described the proposed
17 Comprehensive Plan Amendment and Rezone in connection with an annexation,
18 observing that the applicant is the City of Beaverton. He pointed out that staff
19 recommends that these four parcels be assigned the Corridor designation on the
20 Land Use Map and the Community Services designation on the Zoning Map in
21 place of the Washington County designation of Industrial with an Interim Light
22 Rail Station Overlay District. He briefly discussed the property owners' request
23 for a designation other than Industrial and explained why staff had considered this
24 request.
25

26 Commissioner Maks referred to the Condition of Approval through a related
27 Board of Design Review application, observing that this Condition of Approval
28 would no longer exist if that particular application were discontinued.
29

30 Mr. Bergsma pointed out that Washington County had already approved a
31 development application for this property, observing that the City of Beaverton's
32 policy, upon annexation, is to recognize and honor any previous development
33 approvals and allow them to occur, emphasizing that staff prefers not to impose
34 any conditions upon rezones.
35

36 Commissioner Maks questioned why staff is recommending Community Services
37 (CS), rather than Office Commercial (OC).
38

39 Mr. Whitworth advised Commissioner Maks that staff had recommended CS in
40 order to match the adjacent zoning at the Beaverton Mall, adding that this had
41 appeared to be the logical option.
42

43 Mr. Bergsma observed that this property is contiguous with the mall and that the
44 owner wishes to develop the property in conjunction with the mall, adding that
45 this option also provides for greater flexibility in terms of the uses allowed in the
46 zone.
47

1 Commissioner Maks questioned whether retail is allowed under OC.

2
3 Observing that retail is allowed within the OC zoning district, Mr. Bergsma
4 informed Commissioner Maks that this is not allowed to the extent allowed
5 within the CS zoning district.

6
7 Commissioner Maks pointed out that while he is not necessarily opposed to
8 changing the zoning designation to CS, he has a serious issue with this particular
9 situation. Emphasizing that he is concerned with the Traffic Study, level of
10 service and vehicle counts with regard to SW Cedar Hills Boulevard and SW
11 Jenkins Road, he noted that he does not have adequate information with which to
12 make an appropriate decision.

13
14 Mr. Whitworth commented that this Traffic Study had been submitted to the City
15 of Beaverton, rather than Washington County, for review.

16
17 Commissioner Maks questioned why the applicant had not been instructed to
18 study the other intersections.

19
20 Mr. Gustafson apologized, observing that he had not been aware that this would
21 be an issue with this application.

22
23 Commissioner Maks reiterated that he does not have the information necessary
24 with which to make an informed decision.

25
26 Commissioner Johansen requested clarification of the nature of the approval from
27 Washington County.

28
29 Mr. Bergsma explained that under Washington County's jurisdiction, this
30 property had been zoned Industrial with an Interim Light Rail Station Overlay,
31 which they had determined was not really applicable due to provisions within that
32 overlay district. He pointed out that there had also been a Development
33 Agreement between Washington County and *Tektronix*, who owned the property
34 at the time, adding that this agreement is still applicable to this property.

35
36 Commissioner Johansen expressed concern that office use is not among the
37 permitted uses for CS zoning.

38
39 Referring to the UPAA, Mr. Naemura noted that the City of Beaverton is
40 supposed to be translating Washington County's codes, however inappropriate,
41 and questioned whether a quasi-judicial rezone is missing.

42
43 Mr. Bergsma advised Mr. Naemura that staff is simply eliminating one of the
44 steps in the rezoning process, observing that in order to accommodate the
45 property owners, there had been a Memorandum of Understanding between
46 Community Development Director Joe Grillo and the Director of Washington

1 County's Department of Land Use and Transportation, John Rosenberger,
2 whereby they agreed that the UPAA could be interpreted to allow consideration
3 by the City of a zone that was not specified by the UPAA, subject to adequate
4 consideration of potential impacts.

5
6 Referring to line 3 of page 8 of the Staff Report, Chairman Barnard requested that
7 this line be corrected, as follows: "...of the occupancy permit for Phase III of the
8 project, ~~however~~ **only**, if the property owner..."

9
10 Mr. Bergsma advised Chairman Barnard that the language in this line is correct
11 and briefly explained staff's intent.

12
13 Referring to page 11 of the Staff Report, Commissioner Maks requested that line
14 10 of paragraph 3 be amended, as follows: "...traffic study has been done which
15 was the ~~biases~~ **basis** for the recommended condition."

16
17 Mr. Whitworth pointed out that the last page of the Staff Report outlines the
18 footprints of what had been approved by Washington County with regard to this
19 property.

20
21 **PUBLIC TESTIMONY:**

22
23 **MARK PERNICONI**, representing the owners of the four subject parcels as well
24 as the owners of the Beaverton Mall and the owners of various other adjacent
25 properties, advised Commissioner Maks that the intersection of SW Jenkins Road
26 and SW Hocken Street had improved due to the SW Millikan Way Extension and
27 the opening of SW Hall Boulevard.

28
29 Commissioner Maks disagreed with Mr. Perniconi's observation with regard to
30 improvements to the intersection of SW Jenkins Road and SW Hocken Street.

31
32 Mr. Perniconi stated that these parcels had been purchased 2½ years ago, adding
33 that with the redevelopment of Beaverton Mall, there appears to be an opportunity
34 to add a west face to that mall. He pointed out that one of the goals had been to
35 improve the connectivity from the west both traffic-wise and pedestrian-wise,
36 adding that there is a huge daytime population that they would like to concentrate
37 on. He discussed the primary goal of the project, which would be to impact the
38 mall itself the most in order to create an actual place out of all of the little pieces
39 that now exist, emphasizing that there has been a great deal of neighborhood
40 support.

41
42 Mr. Bergsma suggested that the Commissioners might want to take action on the
43 Comprehensive Plan Amendment and continue the hearing on the Rezone at this
44 time in order to address traffic issues.

45

1 Mr. Gustafson referred to the intersection of SW Jenkins Road and SW Hocken
2 Street, observing that SW Jenkins Road would be improved to accommodate five
3 lanes after the year 2003, which explains the improvement to the level of service,
4 although the funding for these improvements has not yet been appropriated.

5
6 Mr. Naemura emphasized that he agrees with staff's suggestion to eliminate the
7 suggested Condition of Approval with regard to the Rezone.

8
9 The public portion of the Public Hearing was closed.

10
11 Commissioner Maks stated that while he has no issue with approving the
12 Comprehensive Plan Amendment, he is ambivalent with regard to the proposed
13 conditions, emphasizing he does not approve of conditioning Rezones.
14 Observing that he is not actually opposed to the Community Service zoning
15 designation for this property, he pointed out that he does not have adequate
16 information with which to make an appropriate decision.

17
18 Commissioner Johansen expressed his agreement with the comments of
19 Commissioner Maks, adding that while he is comfortable with the Corridor
20 designation, he would like to receive further information with regard to the traffic
21 impact prior to approving the Rezone.

22
23 Commissioner Bliss stated that he also has no problem with supporting the
24 Comprehensive Plan Amendment, adding that he appreciates the information with
25 regard to the inadequacies of the Traffic Report. Emphasizing that this is a
26 significant issue that requires additional information, he pointed out he is not
27 prepared to approve the Rezone at this time.

28
29 Commissioner Pogue expressed appreciation to Commissioner Maks for his
30 insight with regard to this issue, adding that although he is prepared to approve
31 the Comprehensive Plan Amendment, more information is necessary before he
32 would approve the Rezone.

33
34 Chairman Barnard expressed agreement with his fellow Commissioners with
35 regard to the applications and requested a motion with regard to the
36 Comprehensive Plan Amendment.

37
38 Commissioner Johansen **MOVED** and Commissioner Maks **SECONDED** a
39 motion to approve CPA 2001-0013 – Hocken Avenue/Jenkins Road
40 Comprehensive Plan Amendment, based upon the testimony, reports and exhibits,
41 and new evidence presented during the Public Hearing on the matter, and upon
42 the background facts, findings and conclusions found in the Staff Report dated
43 June 24, 2002, with an amendment to paragraph 4 of page 11, as follows: "A new
44 traffic study has been done which was the ~~biases~~ **basis** for the recommended
45 condition..."; and Supplemental Staff Report dated July 15, 2002.
46

1 Motion **CARRIED**, by the following vote:

2
3 **AYES:** Barnard, Bliss, Johansen, Pogue and Maks.

4 **NAYS:** None.

5 **ABSTAIN:** None.

6 **ABSENT:** Voytilla.

7
8 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion
9 to continue RZ 2001-0014 – Hocken Avenue/Jenkins Road Rezone to a date
10 certain of July 31, 2002, in order to address issues with regard to levels of service
11 and vehicle counts at the intersection of SW Jenkins Road and SW Cedar Hills
12 Boulevard during the p.m. peak period, as well as those for the intersection with
13 the light at the entrance to *Winco* and *Jamba Juice*, which is not identified on the
14 Traffic Study.

15
16 Motion **CARRIED**, unanimously.

17
18 **APPROVAL OF MINUTES:**

19
20 Minutes of the meeting of July 10, 2002, submitted. Commissioner Maks
21 **MOVED** and Commissioner Pogue **SECONDED** a motion that the minutes be
22 approved as written.

23
24 Motion **CARRIED**, unanimously, with the exception of Commissioner Bliss,
25 who abstained from voting on this issue.

26
27 **MISCELLANEOUS BUSINESS:**

28
29 The meeting adjourned at 11:10 p.m.